

The Army Lawyer Index for 1999

Author Index

The Army Lawyer January 1999-December 1999

-A-

Agar, Major James R. II, *The Admissibility of False Confession Expert Testimony*, Aug. 1999, at 26.

Allen, Major Norman F.J., *Recent Developments in Sentencing*, May 1999, at 53.

-B-

Berger, Lieutenant David A., *Proposed Changes to Rules for Courts-Martial 804, 914a and Military Rule of Evidence 611(D)(2): A Partial Step Towards Compliance with the Child Victims' and Child Witnesses' Rights Statute*, June 1999, at 19.

-C-

Coe, Major Gregory B., *On Freedom's Frontier: Significant Developments in Pretrial and Trial Procedure*, May 1999, at 1.

Corn, Major Geoffrey S. and Major Michael L. Smidt, "To Be or Not to Be, That is the Question" *Contemporary Military Operations and the Status of Captured Personnel*, June 1999, at 1.

-D-

Davidson, Lieutenant Colonel, *Contemptuous Speech Against the President*, Jul. 1999, at 1.

-H-

Hagopian, The Honorable Jacob, *United States Magistrate Judges and Their Role in Federal Litigation*, Oct. 1999, at 19.

Hansen, Major Victor M., *New Developments in Evidence 1998—The Continuing Saga*, Apr. 1999, at 40.

Hargis, Major Michael J., *The CAAF Drives On: New Developments in Post-Trial Processing*, May 1999, at 63.

Hargis, Major Michael J., *Pretrial Restraint and Speedy Trial: Catch Up and Leap Ahead*, Apr. 1999, at 13.

Hargis, Major Michael J., *The Password is "Common Sense": The Army's New Policy on Senior—Subordinate Relationships*, Mar. 1999, at 12.

Henley, Lieutenant Colonel Stephen R. and Lieutenant Colonel Donna M. Wright, *Annual Review of Developments—1998*, Mar. 1999, at 1.

Hrvoj, Major Robert S., *The Viability of United States v. McOmber: Are Notice to Counsel Requirements Dead or Alive?*, Sept. 1999, at 1.

Hudson, Major Walter M., *A Few New Developments in the Fourth Amendment*, Apr. 1999, at 25.

-L-

Lovejoy, Lieutenant Colonel James K., *Foreword, 1998 Military Justice Symposium—Volume I*, Apr. 1999, at 1.

Lovejoy, Lieutenant Colonel James K., *Watchdog or Pitbull: Recent Developments in Judicial Review of Unlawful Command Influence*, May 1999, at 25.

-M-

Maxwell, Major Mark David "Max," *McOmber's Obituary: Do Not Write It Quite Yet*, Sept. 1999, at 17.

Moran, Major Edye U., *Vexatious Visitations: New Developments in the Sixth Amendment Right to Counsel and Mental Responsibility*, Apr. 1999, at 65.

Murrey, Major Thomas W. Jr., *Khobar Towers' Progeny: The Development of Force Protection*, Oct. 1999, at 1.

-R-

Rousseau, Major Richard W., *Update: Tax Benefits for Military Personnel in a Combat Zone or Qualified Hazardous Duty Area*, Dec. 1999, at 1.

-S-

Schooner, Major Steven L., *The FTCA Discretionary Function Exception Nullifies \$25 Million Malpractice Judgment Against DCAA: A Sigh of Relief Concludes the DIVAD Contract Saga*, Mar. 1999, at 17.

Seidel, Major Michael G., *Giving Service Members the Credit They Deserve: A Review of Sentencing Credit and Its Application*, Aug. 1999, at 1.

Sitler, Major Martin H., United States Marine Corps, *Silence is Golden: Recent Developments in Self-Incrimination Law*, May 1999, at 40.

Sitler, Major Marty, United States Marine Corps, *The Top Ten Jurisdiction Hits of the 1998 Term: New Developments in Jurisdiction*, Apr. 1999, at 2.

Smidt, Major Michael L. and Major Geoffrey S. Corn, "To Be or Not to Be, That is the Question" *Contemporary Military Operations and the Status of Captured Personnel*, June 1999, at 1.

-W-

Way, William W., *No Honor, No Glory: Labor Counsel's Guide to Employee Misconduct Interviews after LaChance v. Erickson*, Feb. 1999, at 1.

Williams, Major Michele E., *Getting the Fox Out of the Chicken Coop: The Movement Towards Final EEOC Administrative Judge Decisions*, Jul. 1999, at 13.

Wright, Lieutenant Colonel Donna M. and Lieutenant Colonel Stephen R. Henley, *Annual Review of Developments—1998*, Mar. 1999, at 1.

Subject Index

The Army Lawyer
January 1999-December 1999

-A-

ADMINISTRATIVE JUDGES

Getting the Fox Out of the Chicken Coop: The Movement Towards Final EEOC Administrative Judge Decisions, Major Michele E. Williams, Jul. 1999, at 13.

-C-

CHILD VICTIMS' AND CHILD WITNESSES' RIGHTS

Proposed Changes to Rules for Courts-Martial 804, 914a and Military Rule of Evidence 611(D)(2): A Partial Step Towards Compliance with the Child Victims' and Child Witnesses' Rights Statute, Lieutenant David A. Berger, June 1999, at 19.

CLAIMS

The FTCA Discretionary Function Exception Nullifies \$25 Million Malpractice Judgment Against CAA: A Sigh of Relief Concludes the DIVAD Contract Saga, Major Steven L. Schooner, Mar. 1999, at 17.

CONFessions

The Admissibility of False Confession Expert Testimony, Major James R. Agar, II, Aug. 1999, at 26.

CONTRACTS (see also PROCUREMENT)

Contract and Fiscal Law Developments of 1998—The Year in Review, Contract and Fiscal Law Department, Jan. 1999, at i.

COUNSEL

McOmber's Obituary: Do Not Write It Quite Yet, Major Mark David "Max" Maxwell, Sept. 1999, at 17.

The Viability of United States v. McOmber: Are Notice to Counsel Requirements Dead or Alive?, Major Robert S. Hrvoj, Sept. 1999, at 1.

-E-

EXPERT TESTIMONY

The Admissibility of False Confession Expert Testimony, Major James R. Agar, II, Aug. 1999, at 26.

-F-

FIFTH AMENDMENT

McOmber's Obituary: Do Not Write It Quite Yet, Major Mark David "Max" Maxwell, Sept. 1999, at 17.

The Viability of United States v. McOmber: Are Notice to Counsel Requirements Dead or Alive?, Major Robert S. Hrvoj, Sept. 1999, at 1.

FORCE PROTECTION

Khobar Towers' Progeny: The Development of Force Protection, Major Thomas W. Murrey, Oct. 1999, at 1.

FRATERNIZATION

The Password is "Common Sense": The Army's New Policy on Senior—Subordinate Relationships, Major Michael J. Hargis, Mar. 1999, at 12.

-I-

INSTRUCTIONS

Annual Review of Developments—1998, Lieutenant Colonel Stephen R. Henley, and Lieutenant Colonel Donna M. Wright, Mar. 1999, at 1.

Annual Review of Developments—1998, Lieutenant Colonel Donna M. Wright and Lieutenant Colonel Stephen R. Henley, Mar. 1999, at 1.

INTERNATIONAL LAW AND OPERATIONS

Corn, Major Geoffrey S. and Major Michael L. Smidt, "To Be or Not to Be, That is the Question" *Contemporary Military Operations and the Status of Captured Personnel*, June 1999, at 1.

Murrey, Major Thomas W. Jr., *Khobar Towers' Progeny: The Development of Force Protection*, Oct. 1999, at 1.

-J-

JUDGES

United States Magistrate Judges and Their Role in Federal Litigation, The Honorable Jacob Hagopian, Oct. 1999, at 1.

JURISDICTION

The Top Ten Jurisdiction Hits of the 1998 Term: New Developments in Jurisdiction, Apr. 1999, at 2.

-L-

LABOR COUNSEL

No Honor, No Glory: Labor Counsel's Guide to Employee Misconduct Interviews after LaChance v. Erickson, William W. Way, Feb. 1999, at 1.

LEGAL ASSISTANCE NOTE

From the Army Review Boards Agency, Oct 1999, at 29.

-M-

MAGISTRATE JUDGES

United States Magistrate Judges and Their Role in Federal Litigation, The Honorable Jacob Hagopian, Oct. 1999, at 1.

MANUAL FOR COURTS-MARTIAL

Proposed Changes to Rules for Courts-Martial 804, 914a and Military Rule of Evidence 611(D)(2): A Partial Step Towards Compliance with the Child Victims' and Child Witnesses' Rights Statute, Lieutenant David A. Berger, June 1999, at 19.

MILITARY JUSTICE

A Few New Developments in the Fourth Amendment, Major Walter M. Hudson, Apr. 1999, at 25.

Annual Review of Developments—1998, Lieutenant Colonel Stephen R. and Lieutenant Colonel Donna M. Wright, Mar. 1999, at 1.

Contemptuous Speech Against the President, Lieutenant Colonel Michael J. Davidson, Jul. 1999, at 1.

Foreword—1998 Military Justice Symposium—Volume I, Apr. 1999, at 1.

Giving Service Members the Credit They Deserve: A Review of Sentencing Credit and Its Application, Major Michael G. Seidel, Aug. 1999, at 1.

McOmber's Obituary: Do Not Write It Quite Yet, Major Mark David "Max" Maxwell, Sept. 1999, at 17.

New Developments in Evidence 1998—The Continuing Saga, Major Victor M. Hansen, Apr. 1999, at 40.

No Honor, No Glory: Labor Counsel's Guide to Employee Misconduct Interviews after LaChance v. Erickson, William W. Way, Feb. 1999, at 1.

On Freedom's Frontier: Significant Developments in Pretrial and Trial Procedure, Major Gregory B. Coe, May 1999, at 1.

Pretrial Restraint and Speedy Trial: Catch Up and Leap Ahead, Major Michael J. Hargis, Apr. 1999, at 13.

Proposed Changes to Rules for Courts-Martial 804, 914a and Military Rule of Evidence 611(D)(2): A Partial Step Towards Compliance with the Child Victims' and Child Witnesses' Rights Statute, Lieutenant David A. Berger, June 1999, at 19.

Recent Developments in Sentencing, Major Norman F.J. Allen, May 1999, at 53.

Silence is Golden: Recent Developments in Self-Incrimination Law, Major Martin Sitler, May 1999, at 40.

The CAAF Drives On: New Developments in Post-Trial processing, Major Michael J. Hargis, May 1999, at 63.

The FTCA Discretionary Function Exception Nullifies \$25 Million Malpractice Judgment Against DCAA: A Sigh of Relief Concludes the DIVAD Contract Saga, Major Steven L. Schooner, Mar. 1999, at 17.

The Password is "Common Sense": The Army's New Policy on Senior—Subordinate Relationships, Major Michael J. Hargis, Mar. 1999, at 12.

The Top Ten Jurisdiction Hits of the 1998 Term: New Developments in Jurisdiction, Major Marty Sitler, United States Marine Corps, Apr. 1999, at 2.

The Viability of United States v. McOmber: Are Notice to Counsel Requirements Dead or Alive?, Major Robert S. Hrvoj, Sept. 1999, at 1.

Vexatious Visitations: New Developments in the Sixth Amendment Right to Counsel and Mental Responsibility, Major Edye U. Moran, Apr. 1999, at 65.

Watchdog or Pitbull?: Recent Developments in Judicial Review of Unlawful Command Influence, May 1999, at 25.

MILITARY RULE OF EVIDENCE

McOmber's Obituary: Do Not Write It Quite Yet, Major Mark David "Max" Maxwell, Sept. 1999, at 17.

The Viability of United States v. McOmber: Are Notice to Counsel Requirements Dead or Alive?, Major Robert S. Hrvoj, Sept. 1999, at 1.

-P-

PRISONERS OF WAR

"To Be or Not to Be, That is the Question" *Contemporary Military Operations and the Status of Captured Personnel*, Major Geoffrey S. Corn and Major Michael L. Smidt, June 1999, at 1.

PROCUREMENT (see also CONTRACTS)

Contract and Fiscal Law Developments of 1998—The Year in Review, Contract and Fiscal Law Department, Jan. 1999, at 1.

-S-

SELF-INCRIMINATION

McOmber's Obituary: Do Not Write It Quite Yet, Major Mark David "Max" Maxwell, Sept. 1999, at 17.

Silence is Golden: Recent Developments in Self-Incrimination Law, May 1999, at 40.

The Viability of United States v. McOmber: Are Notice to Counsel Requirements Dead or Alive?, Major Robert S. Hroj, Sept. 1999, at 1.

SENTENCING

Recent Developments in Sentencing, May 1999, at 53.

Giving Service Members the Credit They Deserve: A Review of Sentencing Credit and Its Application, Major Michael G. Seidel, Aug. 1999, at 1.

SPEECH

Contemptuous Speech Against the President, Lieutenant Colonel Michael J. Davidson, Jul. 1999, at 1.

-T-

TAXES

Update: Tax Benefits for Military Personnel in a Combat Zone or Qualified Hazardous Duty Area, Major Richard W. Rousseau, Dec. 1, 1999, at 1.

TORTS (see also CLAIMS)

The FTCA Discretionary Function Exception Nullifies \$25 Million Malpractice Judgment Against CAA: A Sign of Relief Concludes the DIVAD Contract Saga, Major Steven L. Schooner, Mar. 1999, at 17.

TRIAL PROCEDURE

Giving Service Members the Credit They Deserve: A Review of Sentencing Credit and Its Application, Major Michael G. Seidel, Aug. 1999, at 1.

Index of Practice Notes

The Army Lawyer
January 1999-December 1999

CONSUMER LAW NOTES

Debt Collectors Must Report Debts as Disputed, Whether or Not the Consumer Disputes the Debt in Writing, Mar. 1999, at 30.

Eleventh Circuit Clarifies What Constitutes a "Consumer Report" Under the Fair Credit Reporting Act, Feb. 1999, at 18.

Federal Trade Commission's Helpline and Consumer Sentinel Database, Sept. 1999, at 34.

Legal Assistance Attorneys Must Continue to Educate Soldiers on the Dangers of Excessive Debt, Mar. 1999, at 29.

Sixth Circuit Issues Additional Guidance on Attorney Use of Credit Reports, Feb. 1999, at 18.

The Internet: A New Medium for Scam Artists, Jul. 1999, at 31.

Think Barracks Theft—Federal Trade Commission Help for the Victim, Sept. 1999, at 34.

CONTRACT AND FISCAL LAW NOTES

A-76 Cost Studies and Conflicts of Interest: The General Accounting Office and the Office of Government Ethics Square Off, Dec. 1999, at 37.

Constructive Termination for Convenience Cannot Be Invoked Retroactively in Requirements Contracts, Jul. 1999, at 34.

Post-Award Mistakes under the Buy American Act, June 1999, at 34.

The Supreme Court "Outfoxes" the Ninth Circuit, Aug. 1999, at 47.

CRIMINAL LAW NOTE

Changes to Federal Rules Become Effective in the Military, Jul. 1999, at 33.

FAMILY LAW NOTES

Uniform Interstate Family Support Act Long Arm Statute Interpreted, Feb. 1999, at 16.

Washington Overrules Long-standing Law to Allow Innocent Spouse to Take Military Survivor Benefits, Feb. 1999, at 17.

INTERNATIONAL AND OPERATIONAL LAW NOTES

Principle 5: Protecting the Force from Unlawful Belligerents, Feb. 1999, at 26.

Principle 6: Protection of Cultural Property During Expeditionary Operations Other Than War, Mar. 1999, at 25

Principle 7: Distinction Part II, June 1999, at 35.

United Nations Convention on the Safety of United Nations (UN) and Associated Personnel Enters Into Force, Feb. 1999, at 21.

LEGAL ASSISTANCE NOTES

From the Army Review Boards Agency, Oct. 1999, at 29.

Involuntary Allotments: Another Weapon in the Family Support Arsenal, Dec. 1999, at 35.

PROFESSIONAL RESPONSIBILITY NOTES

E-mail and Confidential Information, Aug. 1999, at 45.

Professional Liability Protection for Attorneys Ordered to Active Duty, Aug. 1999, at 44.

RESERVE COMPONENT NOTE

Professional Liability Protection for Attorneys Ordered to Active Duty, Aug. 1999, at 44.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT NOTE

Legal Assistance Attorney Asserts a SSCRA Stay and Is Found In Contempt of Court, Mar. 1999, at 32.

STANDARDS OF CONDUCT NOTE

No Honor, No Glory: Labor Counsel's Guide to Employee Misconduct Interviews after LaChance v. Erickson, Feb. 1999, at 1.

TAX LAW NOTE

Update for 1999 Federal Income Tax Returns, Dec. 1999, at 30.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA) NOTE

The 1998 USERRA Amendments, Aug. 1999, at 52.

WILLS AND PROFESSIONAL RESPONSIBILITY NOTES

Help With Preparing Wills for Louisiana Domiciliaries, Jul 1999, at 30.

New Jersey Law Firm Can Reveal Client Information to Wife, Jul. 1999, at 30.

Index of Claims Notes

The Army Lawyer
January 1999-December 1999

PERSONNEL CLAIMS NOTES

1998 Table of Adjusted Dollar Value, Mar. 1999, at 45.

Compensation for Repairable Porcelain Figurines, June 1999, at 51.

Evidence of Driving Under the Influence (DUI) in an Article 139 Claim, Feb. 1999, at 51.

Managing Personnel Claims, Aug. 1999, at 74.

Posting Payments to Claims Involving Insurance Payments, June 1999, at 51.

Staff Judge Advocate (SJA) Denial of Requests for Reconsideration, Feb. 1999, at 51.

Reengineering Update, Sept. 1999, at 39.

Use of Privately Owned Vehicles (POVs) for the "Convenience of the Government," Feb. 1999, at 50.

Vehicle Theft and Vandalism Off-Post, Feb. 1999, at 50.

TORT CLAIMS NOTES

Finality of Military Claims Act Decision, June 1999, at 49.

In-Scope Privately Owned Vehicle (POV) Collisions, Sept. 1999, at 39.

What Constitutes A Proper Tort Claim?, Mar. 1999, at 45.

